IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 1346 OF 2007

The Vidarbha Co-operative Marketing Society Ltd. :: PETITIONER

-: Versus :-

The Vidarbha Co-operative Marketing Society Kamgar Union :: RESPONDENT

CORAM: R. V. MORE, J.
DATED: 11th April, 2007.

P. C. :

1. Heard Mr. N. R. Saboo, learned Counsel for the petitioner and the learned Counsel appearing for the respondent.

2. The writ petition takes exception to order dated 02/3/2007 passed by the learned Assistant Commissioner of Labour & Conciliation Officer, Industrial Dispute Act, 1947, Amravati thereby rejecting petitioner-management's application to allow them to represent in conciliation proceedings through their legal representative Shri D. M. Shrimali.

3. The learned Assistant Commissioner after perusing the provisions

of Section 36 of the Industrial Dispute Act came to the conclusion that said Shri D. M. Shrimali is a practicing Advocate and not an employer of the petitioner and, therefore, petitioner's application cannot be allowed. I do not find any error committed by the authority while passing impugned order, hence no reason to interfere in the order impugned.

4. The learned Counsel for the petitioner states that the petitioner also propose to file an application under Section 36 (1) of the Act objecting respondent-Union being represented by one Mr. Sawai.

5. In the event of petitioner's filing such application, the Assistant Commissioner of Labour shall dispose of the same independently on its own merit and without being influenced by this order.

6. The writ petition stands disposed of accordingly. No order as to costs.

JUDGE

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